

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

WALTER HENRY, §  
§  
Plaintiff, §  
§  
v. § CIVIL ACTION NO. \_\_\_\_\_  
§  
CONNS APPLIANCE, INC. AND §  
ALLIED INTERSTATE, LLC, §  
§  
Defendants §

**DEFENDANTS' NOTICE OF REMOVAL**

Defendant Conn Appliances, Inc., erroneously named and identified in this lawsuit as Conns Appliance, Inc., ("Conn's") and Defendant Allied Interstate, LLC ("Allied"), (collectively, referred to as "Defendants"), by and through undersigned counsel, hereby give this notice of the removal of the above-styled action to the United States District Court for the Northern District of Texas, Dallas Division, and states as follows:

**I.**

**INTRODUCTION**

1. This action is being removed pursuant to the provisions of 28 U.S.C. §§ 1331, 1441, and 1446.

2. On or about April 20, 2016, a petition was filed in County Court at Law Number Two of Dallas County, Texas by Plaintiff Walter Henry against the Defendants. The action, entitled *Walter Henry v. Conns Appliance, Inc. and Allied Interstate, LLC*, was assigned Cause No.: CC-16-01831-B (hereinafter referred to as "Petition").

3. Defendants were served with a copy of the Original Petition through certified mail with a postmark of April 21, 2016. Accordingly, pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed.

4. In his Petition, Plaintiff asserts that Defendants violated the Fair Debt Collection Practices Act, 15 U.S.C. 1692, et seq., ("FDCPA"), the Texas Fair Debt Collection Practices Act, Tex. Finance Code § 392, et seq., committed a breach of contract and breach of the implied covenant of good faith and fair dealing.

## II.

### **FEDERAL QUESTION JURISDICTION**

5. Because the Petition alleges a federal claim under FDCPA, this is a civil action arising under the laws of the United States of which this Court has original jurisdiction under the provisions of 29 U.S.C. §§ 1331 and 1441. (See Petition, ¶¶ 37-42.) This Court has supplemental jurisdiction over Plaintiff's state law claims, under 28 U.S.C. § 1337.

## III.

### **VENUE**

6. Venue is proper in this district under 28 U.S.C. §1441(a) because this district and division embrace the location of the state court in which the removed action has been pending.

## IV.

### **PREREQUISITES TO REMOVAL**

7. True and correct copies of process, pleadings, and orders filed in the State Court Action are attached hereto as required by 28 U.S.C. § 1446(d) and Local Rule 81.1:

EXHIBIT A: Index of Exhibits to Defendants' Notice of Removal.

EXHIBIT B: Civil Cover Sheet and Supplemental Civil Cover Sheet.

EXHIBIT C: Copy of the state court docket sheet.

EXHIBIT D: Index of all documents filed in state court action including a copy of each and every document filed in the state court action.

EXHIBIT E: A separately signed certificate of interested persons that complies with L.R. 3.1(c) or 3.2(e) for both Allied and Conn's.

8. Written notice of the filing of this Notice of Removal has been given to all parties in this action, and a copy of the Notice of Removal will be filed promptly with the Clerk of the County Court at Dallas County, Texas.

**V. JURY DEMAND**

9. Plaintiff did not demand a jury in the State Court Action.

**WHEREFORE**, Defendants remove the above-styled action now pending against it in the County Court at Law No. Two of Dallas County, Texas, to the United States District Court for the Northern District of Texas, Dallas Division.

Respectfully submitted this 16<sup>th</sup> day of May, 2016

Respectfully submitted,

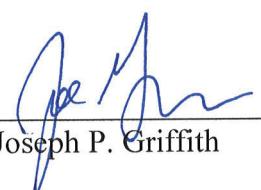
  
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**ATTORNEYS FOR DEFENDANTS  
CONN APPLIANCES, INC. AND  
ALLIED INTERSTATE, LLC**

**CERTIFICATE OF SERVICE**

I hereby certified that on May 16, 2016, a true and correct copy of the foregoing document was served on the following counsel of record via email and by Certified Mail RRR:

Katheryn Cole Bell  
Reznik Law Firm  
30 Wall Street, 8th Floor, #741  
New York, NY 10005

  
Joseph P. Griffith